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J. Seward Johnson, Sr.
Environmental Center

31 Titus Mill Road
Pennington, NJ 08534

609-737-3735

Fax: 609-737-3075

sbmwa@thewatershed.org

www.thewatershed.org

June 3, 2004

Ms. Koko Cronin
U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278

Joseph Simunovich, Chairman
New Jersey Turnpike Authority
PO Box 5050
Woodbridge, NJ 07095

RE: Proposed Route 92 – Draft Environmental Impact Statement (DEIS)

Dear Ms. Cronin:

The National Environmental Policy Act (NEPA) process requires a full and comprehensive evaluation of alternatives and their potential impacts for projects that would use federal funding. On May 20, 2004 over 150 people attended the public hearing hosted by the Army Corp of Engineers (ACOE) for the proposed Route 92, and most in attendance expressed concerns that:

1. Additional viable alternatives had not been thoroughly evaluated.
2. Insufficient opportunities for public participation had been provided in this NEPA process.
3. The proposed Rte 92 alignment causes significant impacts to environmental resources and communities that have not been fully evaluated.

Because public participation in this process has been limited, citizens are not assured that this proposed \$350 million highway is the best alternative that would achieve important objectives and cause the least environmental impacts.

Therefore, the Stony Brook-Millstone Watershed Association calls for an enhanced public process to review the purpose for the roadway and the various alternatives to achieve this purpose, focused on an effort to determine common goals and develop common strategies. Until this process is undertaken, we oppose the selection of any particular alignment for Route 92.

The ultimate decisions in this review process for Rte 92 should reflect the cumulative interests expressed by citizens, as well as local, regional elected officials, open space groups, historic preservation groups, and environmental organizations who are working to protect the resources of New Jersey and quality of life from further impacts from traffic congestion and inappropriately designed roadways. The following paragraphs summarize our concerns.

1. Incomplete NEPA Analyses

The Draft Environmental Impact Statement (DEIS) for Route 92 did not include a thorough analysis of the potential alternatives.

- The DEIS identified 17 alternatives but most were not fully evaluated, and alternatives suggested by the public at the scoping session were not included in the assessment, such as the viability of connecting Rte 522 to the Turnpike Exit 8A.
- Traffic studies identified that 10 of the 14 traffic intersections would still be failing even if the recommended route for Route 92 were built.
- Route 92 will actually induce an additional 12,000 cars to use Route 1, increasing traffic congestion on this road.
- The Study failed to evaluate impacts of the highway on the State Designated Historic Village Center of Kingston or the Delaware and Raritan Canal Park. The D&R Canal Commission regulations require a thorough traffic analyses and potential noise impact to these areas.

The Route 92 project is estimated as a \$350-\$500 million project to provide high-speed access to the Turnpike that relies on both toll revenues and tax dollars for construction. Under Governor McGreevey's Administration there is a commitment to devote a greater percentage of funding to fix-it-first projects, rather than funding new roadways. The Governor should carefully review the viability and need for this project against the array of un-funded transportation and mass transit projects that have demonstrated a clear need.

2. Insufficient Public Participation Process

There have been insufficient opportunities for public participation in the DEIS review process, especially based on the magnitude, cost and potential impacts of the Rte 92 project. The public and especially the local residents should be at the table with the ACOE and the New Jersey Turnpike Authority (NJTA) to help with the decision process for traffic concerns in the area. There have been only two opportunities for public input – during the May 2000 scoping session prior to the DEIS, and at the most recent public hearing on May 20, 2004. No public forums to gain input, feedback or ideas were held in the intervening four-year period.

On a similar project, the Environmental Impact Statement for the Penns Neck Area Bypass incorporated a Roundtable Advisory Committee that brought together various stakeholders including citizens, civic groups, businesses, elected officials, and members of various county, state and federal transportation offices. The review process continued for 2 years and yet provided 35 open public forums with opportunities for discussion, evaluation and consensus to develop project goals and objectives; and to thoroughly evaluate 19 innovative roadway alternatives. These alternatives were formulated *with* local citizens, in contrast to the Route 92 DEIS process.

The Roundtable Advisory Committee for the Penns Neck Area Bypass was successful on many levels, and resulted in the selection of a \$65 million roadway. Route 92 is likely to cost more than \$350 million, and deserves a similar comprehensive evaluation of alternatives and provisions for public input. The following paragraph characterizes the success of that Roundtable process. Additional comments are summarized in Attachment A.

*“The DVRPC staff would like to commend the New Jersey Department of Transportation (NJDOT) for the outstanding manner in which they conducted the Penns Neck Area EIS. **One of the basic principles of transportation planning is agency coordination and public outreach.**”*

“NJDOT through the Partners' Roundtable Advisory Committee far exceeded any other EIS in this region in obtaining the involvement of state, regional, county, and local officials, as well as local advocacy groups and other interested parties. The 35 Roundtable meetings held since June 2001 demonstrated a sustained commitment by NJDOT and the committee members to work through complex and often controversial issues. The diversity of alternatives developed is a reflection of this process.”

John J Coscia, Executive Director, Delaware Valley Regional Planning Commission, July 18, 2003

3. Insufficient evaluation of environmental impacts from Route 92

In 1997, the US Environmental Protection Agency (US EPA) recommended that the New Jersey Department of Environmental Protection (NJDEP) deny the Route 92 wetland permit application submitted by the NJ Turnpike Authority (NJTA) because the proposed highway would result in unacceptable adverse impacts to wildlife, resources, and their supporting ecosystems. Many of the concerns raised by the USEPA are still not fully addressed.

▪ Threatened and Endangered Species

The DEIS identified suitable habitat here for bog turtle and wood turtle, which would classify these wetlands as “exceptional value wetlands” requiring a 150 foot transition area.

Disturbance of these critical habitat areas was not supported by the USEPA or the US Fish and Wildlife, and should not be supported by the ACOE or NJTA.

▪ Fragmentation

Route 92 will bisect a 1600-acre wetland complex and destroy 14 acres of wetlands. Studies conducted by the US Fish and Wildlife Service identified 24 species of neotropical migratory birds nesting in these wetlands and they are experiencing declining populations. The loss of wintering habitat to development is the primary contributor of this decline. Bisecting and fragmenting this wildlife habitat will diminish the quality of the habitat and reduce the diversity of species that rely upon it. Protecting migratory bird species is a federal responsibility.

▪ Invasive Species

Studies conducted by Rutgers University confirm that disturbing wetlands often induces the spread of invasive species, such as phragmites and purple loosestrife into these critical habitats. These invasive species can become dominant over more vulnerable and diverse plant communities, thereby degrading the habitat.

- **Wetland Mitigation**

The ACOE recommends that the NJ Turnpike Authority replace 14 acres of lost wetlands with 57 acres of created wetlands, and preserve an additional 200 acres. However, the US EPA stated in 1997 that creating forested wetland habitats can take decades to re-establish the hydrology, hydric soil conditions, plant community and wildlife. Avoiding wetland destruction is the preferred federal and state wetland policy.

- **Surface Water**

Currently, over 70% of the streams in NJ are biologically impaired, and 50% of the impairments are attributed to non-point pollution sources (NPS) including roadway runoff. Roadway runoff contaminated with deicing salts, heavy metals, oils and grease, pesticides, and fertilizers account as a major contributor to this NPS pollution.

Specifically, the NJDEP has identified that Devils Brook at New Road in South Brunswick already demonstrates signs of aquatic impairments from benthic macroinvertebrate sampling. Heathcote Brook is impaired by fecal coliform and the Millstone River already exceeds state standards for phosphorus, fecal coliform, pH, temperature, arsenic, cadmium, chromium, lead, mercury and zinc.

Additional runoff from proposed Route 92 could further impair these streams from car emissions, road salt, engine and tire wear, etc.

In conclusion, we recommend that the NJ Turnpike Authority organize a Roundtable Advisory Committee similar to the Penns Neck Area Bypass to provide more opportunities for community input and more discussion of potential alternatives.

We sincerely hope that you will carefully consider the potential impacts to cultural features, loss of habitat, and degradation of our natural resources that could be caused by Route 92. If you have any questions please do not hesitate to contact me directly at 609-737-3735.

Sincerely,

George S. Hawkins, Executive Director
Stony Brook-Millstone Watershed Association

Copies to:

Governor McGreevey
Commissioner John F. Lettiere, Jr., NJ Department of Transportation
Commissioner Bradley Campbell, NJ Department of Environmental Protection
Congressman Rush Holt
Senator Baroni
Senator Peter Inverso
Assemblyman Reed Gusciora
Assemblywoman Bonnie Watson Coleman
Assemblywoman Linda Greenstein
Mayors South Brunswick, Franklin, Rocky Hill and Montgomery

Attachment A
Statements that Characterized the Success
of the Penns Neck Area Roundtable Advisory Committee

The Roundtable Advisory Committee for the Penns Neck Area Bypass provided 35 opportunities for public review and input during the two-year analyses of traffic alternatives. The result of this effort was the selection of Alternative D-2A, a \$65 million alternative that satisfied the project goals, met transportation needs, and will minimize potential impacts to the communities and the environment. Route 92 is likely to cost more than \$350 million, and deserves a similar comprehensive evaluation of alternatives and provisions for public input.

“For two years, the Voorhees Transportation Institute at Rutgers University has brokered a thorough public examination and discussion of the alternatives for the Penns Neck Area Bypass... This painstaking process - not always collaborative but infinitely more cordial than the traditional top-down approach the DOT has taken to transportation planning - produced 19 possible roadway schemes.

The public was “heartened by the willingness of the DOT to try something new and different,” and “was impressed by the openness of the roundtable process.”

*The open, participatory process in which all interested parties have been engaged for the past two years has been a welcome change from the DOT's business as usual. Whether it results in complete consensus or respectful disagreement, **it should serve as a model for the agency's approach to regional transportation planning in the future.***

By: Packet Editorial 07/03/2003

“First I want to say how pleased I am that NJ DOT has made such an extraordinary effort to engage all segments of the community in the process of compiling the Draft EIS. The conveners of the Roundtable Advisory Committee did an excellent job of soliciting community input and arriving at common ground and some consensus among parties who began the process with seemingly conflicting agendas.”

“The Draft EIS accurately reflects the two years of analyses and discussions.”

Pam Hersh, Director, Community and State Government Affairs for Princeton University and a representative to the Penns Neck Area Partners' Roundtable Advisory Committee from her introductory remarks at the June 30, 2003 public hearing.

*“The DVRPC staff would like to commend the New Jersey Department of Transportation (NJDOT) for the outstanding manner in which they conducted the Penns Neck Area EIS. **One of the basic principles of transportation planning is agency coordination and public outreach.***

NJDOT through the Partners' Roundtable Advisory Committee far exceeded any other EIS in this region in obtaining the involvement of state, regional, county, and local officials, as well as local advocacy groups and other interested parties. The 35 Roundtable meetings held since June 2001 demonstrated a sustained commitment by NJDOT and the committee members to work through complex and often controversial issues. The diversity of alternatives developed is a reflection of this process."

*John J Coscia, Executive Director, July 18, 2003
Delaware Valley Regional Planning Commission*